IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 11116 of 2005

DATE OF DECISION : 31.10.2006

Balraj Singh

.....PETITIONER

VERSUS

State of Haryana and others.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Mr. MS Kang, Advocate for the petitioner.
Mr. Harish Rathee,Sr.DAG, Hry for respondents No.1
Ms. Vandana Malhotra, Advocate for respondents 2 & 3

M.M.KUMAR,J

Mr. M.S. Kang, learned counsel for the petitioner states that on 30.8.2005 the Division Bench of this Court had passed an interim order and stayed the operation of impugned order (Annexure P-4) till further orders. It is an admitted position that the petitioner is to complete the period of three years on deputation on 28.2.2007. Ms.Vandana Malhotra, Advocate appearing for respondents 2 and 3 has,however, cited two judgment of the Hon'ble Supreme Court in the cases of **Mahesh Kumar K.Parmar and others vs S.I.G. of Police and ohters (2002) 9 S.C.C. 485** and **Ram Ganga Command Area Development Authority and Another vs Sheetal Kumar Vaish and others (2003) 9 SCC 32** and argued that a deputationist has no right of continuation in the borrowing department after

the expiry of deputation period.

In view of the above, without expressing any opinion on the merits of the controversy raised and keeping in view that the period of three years is to be completed within next three months i.e. 28.2.2007, we direct respondents 2 and 3 to retain the petitioner till the expiry of the aforementioned period. The petitioner shall have no right after 28.2.2007. The rights of the parties shall not be prejudiced if the respondents wish to retain the petitioner beyond that period.

With the above observations and directions, the writ petition stands disposed of.

(M.M.KUMAR)
JUDGE

October 31 ,2006 (M.M.S.BEDI)
TSM JUDGE